

REMARKS

This amendment is offered in response to the Office Action of November 24, 2003.

This amendment is being filed with an RCE application.

The claims have been amended to obviate the objections.

Claims 1, 6, 10, 11, 13, 17, 21-23, 28 and 32-33 have been rejection under 35 U.S.C. §102(b) as anticipated by the Haugerud reference. Similarly, Claims 2-5, 7-9, 14-16, 18-20, 24-27 and 29-31 have been rejected over the Haugerud reference in view of the Chainani reference (U.S. Patent No. 5,724,024). The Office Action states that this is an anticipation rejection under 35 U.S.C. §102(e), but it is assumed that this is an obviousness rejection under 35 U.S.C. §103(a).

In response, the independent claims (Claims 1, 12 and 23) have been amended to recite:

a display which can show a plurality of icons which can be activated by a user, one-by-one, to create a program comprising a list of said subprogram calls, for programming of the microprocessor and controlling of the toy building element by means of the activation means;

...

wherein the microprocessor, the display, the coupling means and the communications means are integrated in a single self-contained element that provides a facility for transmitting a program and a programming facility that are integrated portions of the toy element wherein the program is run

It is respectfully submitted that the above language, particularly that regarding the integration into a "a single self-contained element" defines over the cited art.

It is therefore respectfully submitted that all of the presently pending claims are patentable over the cited art.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", written over the typed name.

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